

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEY, L.P.,

Plaintiff,

v.

INGENIX PHARMECEUTICAL SERVICES,
INC., et al.,

Defendants.

No. C-05-4965 MMC

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE REMANDED FOR
LACK OF JURISDICTION**

Defendants removed the instant action to federal court on December 1, 2005 on the basis of diversity jurisdiction. Plaintiff is alleged to be a limited partnership. (See Compl. ¶ 1.) In order to remove the instant action on the basis of diversity jurisdiction, defendants were required to allege in the notice of removal the citizenships of “all the partners of the limited partnership.” See Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020 (11th Cir. 2004). In the instant action, defendants’ conclusory allegation that they “are informed and believe” that plaintiff “is a limited partnership whose partners were and are citizens of states other than states of which any served defendant was or is a citizen,” (see Notice of Removal ¶ 8), is insufficient.

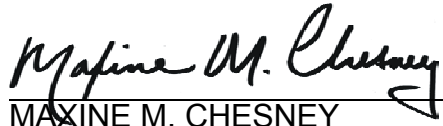
Additionally, defendants also must establish that the amount in controversy is greater than \$75,000. See 28 U.S.C. § 1332(a); see also Cohn v. Petsmart, Inc., 281 F.3d 837, 839 (9th Cir. 2002). A notice of removal is deficient if it “only summarily allege[s] that

1 the amount in controversy exceed[s] \$75,000, without alleging any underlying facts to
2 support [the] assertion.” See Cohn v. Petsmart, Inc., 281 F.3d 837 (9th Cir. 2002).
3 Defendants summary allegation that “[b]ased upon the allegations, claims, and prayer for
4 relief set forth in the Complaint, the amount in controversy in this matter, exclusive of
5 interest and costs, exceeds the sum of \$75,000.00,” (see Notice of Removal ¶ 12), fails to
6 meet their burden of establishing that the amount in controversy is greater than \$75,000.

7 Accordingly, defendants are hereby ordered to show cause in writing, no later than
8 January 6, 2006, why the instant action should not be remanded for lack of subject matter
9 jurisdiction. No later than January 20, 2006, plaintiff may file an opposition to defendant’s
10 response to the order to show cause; no later than January 27, 2006, defendants may file a
11 reply. The matter will be taken under submission at that time and decided without oral
12 argument, unless the Court determines, after reviewing the parties’ submissions, that
13 argument would assist the Court.

14 **IT IS SO ORDERED.**

15 Dated: December 13, 2005

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MAXINE M. CHESNEY
United States District Judge